

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

FILED

DEC - 8 2023

Michael Hanson JR
Petitioner

v.

Warden Jess Dunn C.C.
Respondent

(name of warden or authorized person having custody of petitioner)

By BONNIE HACKLER
Clerk, U.S. District Court
Deputy Clerk

Case No.

(Supplied by Clerk of Court)

CIV 23 - 414 - RAW

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Michael S. Hanson
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: Jess Dunn Correctional Center
 - (b) Address: 601 South 124th Street West
Taft OK 74463
 - (c) Your identification number: 1000153
3. Are you currently being held on orders by:

☐ Federal authorities
 ☒ State authorities
 ☐ Other - explain:

State of Oklahoma
4. Are you currently:

☐ A pretrial detainee (waiting for trial on criminal charges)
 ☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

 If you are currently serving a sentence, provide:
 - (a) Name and location of court that sentenced you: District Court Of Oklahoma
320 Robert S Kerr Ave, Oklahoma City, OK 73102
 - (b) Docket number of criminal case: CF-2022-1542 / CF-2022-465
 - (c) Date of sentencing: March 15, 2023

☐ Being held on an immigration charge
 ☒ Other (explain): N/A

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☒ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (*explain*): N/A

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: District Court of Oklahoma County, 320 Robert S Kerr Ave
Oklahoma City, OK 73102

(b) Docket number, case number, or opinion number: CF-2022-1542

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):
No evidence by law of the Racketeering Charge as Defined by Law

(d) Date of the decision or action: March 15, 2023

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: District Court of Oklahoma
320 Robert S Kerr Ave, Oklahoma City, OK 73102

(2) Date of filing: 9/29/23

(3) Docket number, case number, or opinion number: CF-2022-1542

(4) Result: DENIED

(5) Date of result: 10/31/2023

(6) Issues raised: See Attached Motion (All Points on the Motion was Brought Up)

(b) If you answered "No," explain why you did not appeal: N/A

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: N/A(4) Result: N/A

(5) Date of result: _____

(6) Issues raised: N/A(b) If you answered "No," explain why you did not file a second appeal: N/A**9. Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: N/A(4) Result: N/A

(5) Date of result: _____

(6) Issues raised: N/A(b) If you answered "No," explain why you did not file a third appeal: N/A**10. Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☒ No

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If "Yes," provide:

(1) Name of court: N/A

(2) Case number:

(3) Date of filing:

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: N/A

(2) Case number:

(3) Date of filing:

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: IT DOES NOT DEAL WITH JUST INEFFECTIVE COUNSEL

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody:

- (b) Date of the removal or reinstatement order:

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

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If "Yes," provide:

- (1) Date of filing:
 - (2) Case number: N/A
 - (3) Result: N/A
 - (4) Date of result:
 - (5) Issues raised: N/A
-
-
-

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: N/A
 - (2) Date of filing:
 - (3) Case number:
 - (4) Result: N/A
 - (5) Date of result:
 - (6) Issues raised: N/A
-

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: JUST THE ONE
- (b) Name of the authority, agency, or court: —

- (c) Date of filing:
 - (d) Docket number, case number, or opinion number:
 - (e) Result: N/A
 - (f) Date of result:
 - (g) Issues raised: N/A
-

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Ineffective Counsel

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Def. repeatedly told counsel he did not want to take the plea deal. Def. was coerced into taking the plea. Def. was deprived of establishing important mitigating circumstances, he was not afforded the opportunity to present testimony to the jury. AG encouraged def. counsel to get def. to take plea so he would get a "special" case.

Counsel refused to take the case to trial because "when I took this case you had less charges." Def. still to this day does not have any discovery from the case

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: Aberrant Behavior

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

This mitigating factor is applicable because the def. had committed these charges, all relative conduct, due to a gambling addiction that was beyond his control and not allowed to be spoken about in court. This act can be shown to have been wildly out of character for the def. Def's family wanted to send him to an inpatient rehab facility that was known to work with courts for his gambling addiction, depression and suicidal thoughts. Instead of this route the AG refused and wanted a bond increase.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: Def. Present Health and Family Circumstances

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Def. was hit by a drunk driver 15 yrs ago and had both ankles crushed, he is required to wear special braces so he can walk but the prison will not allow him to have them. He also has Trauma Induced Emphysema and has dead spots in his lungs. He has Asthma and lots of breathing problems, ADHD, Depression and suicidal ideations. Def. almost died while in custody, he had been asking for help for 5 months before he collapsed and they rushed him to the ER with a ruptured gallbladder and he was septic.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

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GROUND FOUR: This case turned political

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

AG O'Conner went to TV saying "he was using Mr. Hanson and would make an example out of him" One of the victim's made a big show of Social Media that he had made campaign contributions to the AG and said that it would "ensure the case went the way he wanted it to go."

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: None
-

Request for Relief

15. State exactly what you want the court to do: Dismiss the Racketeering Charge, or remand it back to the sentencing court. There was NO evidence as stated by law that allowed the Def. to be charged with this Racketeering charge. Please see attached motion for detailed information that could not be submitted above
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-
-

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

December 5, 2023

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/4/23


Signature of Petitioner

Signature of Attorney or other authorized person, if any

**IN THE DISTRICT COURT OF
OKLAHOMA COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA

CASE NO: CF-2022-1542

V

MICHAEL S. HANSON, JR

**MOTION FOR REDUCTION IN SENTENCE/
PROVISIONAL RELEASE**

Comes now, Michael Hanson, Jr., pro se litigant, housed at Jess Dunn Correctional Center in Taft, would like to ask this Honorable Court to consider this pro se motion for his early Release.

On March 15, 2023, Mr. Hanson, the defendant, was sentenced to 20 years after agreeing to a plea deal in court that he did not comprehend and that he was not aware of the repercussions of this lengthy deal. Mr. Hanson brings the following points to the court's attention and would like to humbly ask the court for a Reduction in Sentence, Modification of Sentence and or Provisional Release.

POINT 1: INEFFECTIVE COUNSEL

The defendant, on more than one occasion, told his counsel that he did not want to take the plea offer. Mr. Hanson feels he was coerced by his counsel into taking the plea deal because the defendant had explicitly told his counsel he did not want to take the deal. We believe counsel for the defendant was effectively deprived of establishing an important mitigating circumstance when he was not afforded the opportunity to present testimony to the jury during the sentencing portions of the proceedings. Counsel told Mr. Hanson that he "had never worked with the AG and needed to get in good with him." The AG encouraged counsel to get Mr.

Hanson to take the plea and he would get a “special” case. Counsel would NOT present evidence of Mr. Hanson’s gambling addiction, which got him into this legal trouble. Counsel also refused to take the case to trial, stating that “when I took this case you had less charges.” Counsel also stated too Mr. Hanson that if he “ever heard from your wife again, I will take myself off your case.” Counsel would not submit evidence of Mr. Hanson’s gambling addiction to the court. Counsel for Mr. Hanson refused to go to trial, he told Mr. Hanson and his family that this was a “good deal for me and you” and if he did not take the deal that he “would recuse himself from the case.” Mr. Hanson’s family even offered counsel more money to take to it trial, but he refused. Mr. Hanson’s family also presented to counsel that if he could get a less sentence, the family would be willing to pay the restitution. Counsel never presented this to the AG or when any further with it. Counsel also kept stalling with discovery and the judge admonished the Assistant AG in court and told them to hand it over. Mr. Hanson, to this day, has still not had any discovery presented to him. The family will be filing a complaint for ineffective counsel with the State Bar against counsel in this case.

See...[https://www.law.cornell.edu/wex/ineffective assistance of counsel #:~:text=To%20prove%20ineffective%20assistance%20of,proceeding%20would%20have%20been%20](https://www.law.cornell.edu/wex/ineffective_assistance_of_counsel#:~:text=To%20prove%20ineffective%20assistance%20of,proceeding%20would%20have%20been%20) **Under the Sixth Amendment of the United States Constitution, it guarantees the right to effective assistance of counsel to defendants in criminal proceedings.**

To prove ineffective assistance of counsel, a defendant must show:

- **That their trial lawyer's conduct fell below an "objective standard of reasonableness" and,**
- **"a reasonable probability that, but for counsel's unprofessional errors," the outcome of the criminal proceeding would have been different.**

See... <https://www.tdcaa.com/journal/preventing-claims-of-ineffective-assistance-of-counsel/> **The assistance of counsel “is one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty. ... The Sixth Amendment stands as a constant admonition that if the constitutional safeguards it provides be lost, justice will not ‘still**

be done.” A frequent ineffective assistance complaint is that the defense attorney did not obtain pretrial discovery. This is an easy issue for the prosecutor to help avoid simply by providing discovery as part of the case’s preparation, regardless of whether a motion has been filed.

POINT 2: ABERRANT BEHAVIOR

This mitigating factor is applicable because the defendant had committed these charges, all relative conduct, due to a gambling addiction that was beyond his control and not allowed to be spoken about in court. This act can be shown to have been wildly out of character with Mr. Hanson’s otherwise law-abiding life. Mr. Hanson’s family wanted to send him to a lockdown, in-patient rehab facility that was known to work with courts for his gambling addiction, depression, and suicidal thoughts. Instead of assisting in the matter (because this is an addiction) the AG refused and instead went to the courts to get a bond increase. Mr. Hanson and his family have performed years of volunteer work in the animal rescue community in Oklahoma.

See https://guidelines.uscourts.gov/apex/r/uscc_apex/guidelinesapp/search-detail?P41_GL_ID=%C2%A75K2.20 **REQUIREMENTS.—The court may depart downward under this policy statement only if the defendant committed a single criminal occurrence or single criminal transaction that (1) was committed without significant planning; (2) was of limited duration; and (3) represents a marked deviation by the defendant from an otherwise law-abiding life.**

See <https://www.lsd.law/define/aberrant-behavior> **Aberrant behavior refers to a single act of unplanned or thoughtless criminal behavior. It is not a pattern of behavior, but rather a one-time occurrence. Some courts may give a more lenient sentence for aberrant behavior, as it is not considered a typical or habitual action. Many courts have recognized that aberrant behavior can be used as a reason for a more lenient sentence.**

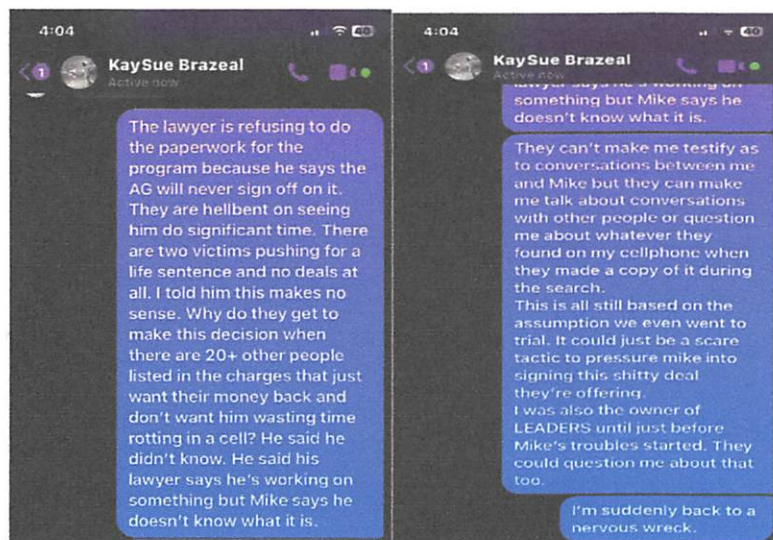
See <https://www.ojp.gov/pdffiles1/nij/203197.pdf> **Report on Gambling Addiction**

See <https://www.judges.org/news-and-info/how-to-sentence-someone-with-a-gambling-addiction/> **Why create a gambling treatment court?**

- **Because it can save lives. Suicide rates for problem gamblers approach 50 percent.**
- **Because it can save money. Instead of being incarcerated, problem gamblers can work during their probation.**
- **Because they can also pay restitution to victims of theft, which is a common crime among problem gamblers.**

It's like a drug-treatment court... In a gambling treatment diversion court, there is an application, a contract and full transparency. Substance abuse often co-occurs with gambling addictions, so drug testing is also considered essential.

See http://www.clarkcountycourts.us/res/specialty-courts/GTDC_Flyer.pdf **Gambling Treatment Diversion Court is a court supervised comprehensive outpatient treatment program for defendants in the criminal justice system with gambling problems and other addictive behaviors. Treatment includes individual and group counseling focused on problem gambling, substance abuse and mental health counseling, wellness education, peer support and drug and alcohol testing as indicated. Additional services include residential treatment, intensive outpatient treatment, anger management and impulse control groups, gender specific and trauma treatment, grief & loss treatment, treatment targeting criminal behavior, and family therapy**



**POINT 3: DEFENDANTS PRESENT HEALTH
AND FAMILY CIRCUMSTANCES**

The defendants' physical health has been deteriorating since being incarcerated. The defendant is not a risk to the community. Mr. Hanson was hit by a drunk driver 15 years ago and had two crushed ankles. He has trouble moving them and is required to wear special braces so he can walk. Today he struggles to walk in his daily living because the prison will not allow him to have his braces. Due to this accident, Mr. Hanson has Trauma Induced Emphysema and has "dead spots in his lungs." He has Asthma and lots of breathing problems. Mr. Hanson suffers from ADHD, depression, and suicidal ideations. While in the county jail, Mr. Hanson almost lost his life. He had been asking for medical help for 5 months before the staff had to pick Mr. Hanson up off his cell floor and rush him to the hospital. His gallbladder had ruptured, and he was septic. Mr. Hanson has lost 65 pounds since his incarceration. Mr. Hanson fears this 20-year sentence is going to be a death sentence for him. Mr. Hanson is very family oriented and has stayed close to his family. Mr. Hanson's wife, Jessica, has several Autoimmune diseases and cannot live alone, since Mr. Hanson has been incarcerated, she has been forced to move to Florida to stay with family. Mr. Hanson needs to be there to help in the care of his wife.

**POINT 4: MR. HANSON IS NOT A DANGER
TO THE PUBLIC**

Mr. Hanson is not a violent offender and is not a risk to the public. Validated risk assessment instruments are currently used for offenders under supervision or in prison that determine if an offender is likely to re-offend. Based on the Correctional Integrated Needs Assessment System, Mr. Hanson's risk of Recidivism is minimum. This assessment takes into consideration such as prior offenses, substance abuse and age. Risk assessment coupled with effective community supervision and services can help ensure public safety and support successful reentry into the community for released offenders. He has tried to complete classes and programs while incarcerated but has been denied at every turn. He was told that he "is not eligible" or that he "was too late for the class." He has managed to get on the waiting list for some classes. There is no mental

health counseling for his depression and suicidal ideations nor is there any help for his gambling addiction. In fact, where Mr. Hanson is housed, they hold “gambling tournaments,” hence no rehabilitation for his addiction. Mr. Hanson is working on achieving Level 4 good behavior status despite the temptations that are surrounding him.

See.. <https://www.criminon.org/where-we-work/united-states/oklahoma/#:~:text=Recidivism%20Rates%20in%20Oklahoma&text=According%20to%20federal%20data%2C%20Oklahoma,prisoners%20who%20go%20through%20it> **Oklahoma criminal reform programs vary in scope and the type of services offered to help reform and rehabilitate offenders. From community rodeos for inmates to educational programs within prisons in Oklahoma, the state offers a variety of services but could benefit from focusing more intently on the following:**

- **substance abuse programs for offenders who misuse drugs and alcohol or who suffer from addiction**
- **vocational training and job skills programs to help offenders learn valuable trades for post-incarceration**
- **in-prison programs that teach life skills and successful coping strategies to help offenders live crime-free lives**

Alternatives to Incarceration in Oklahoma

While every state provides some degree of incarceration alternatives, Oklahoma’s current offering of alternatives to incarceration should be expanded. If non-incarceration rehabilitation programs are expanded, such programs (especially educational programs for prisoners in Oklahoma) will provide better services for Oklahoma offenders and help them overcome the criminal inclinations that brought them to prison in the first place.

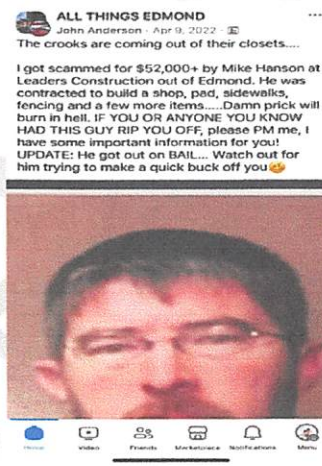
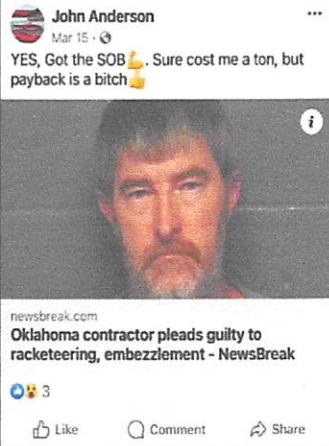
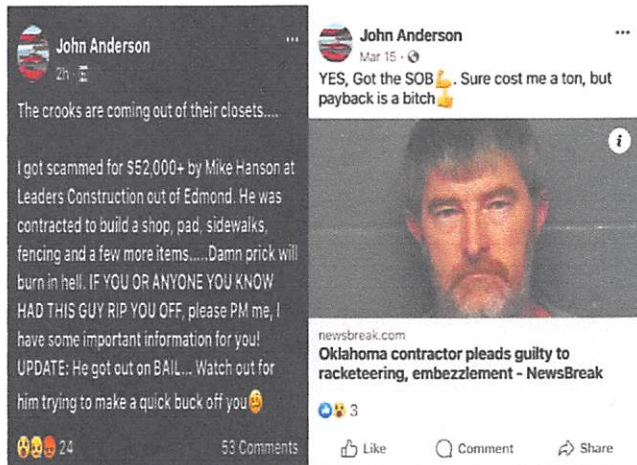
Looking to the future, Oklahoma should attempt to expand incarceration alternatives, reduce reliance on private prisons, and reduce recidivism by offering evidence-based criminal reform programs.

POINT 5: THE CASE TURNED POLITICAL

As previously stated, Mr. Hanson had Ineffective Counsel, and these are some of the things that needed to be mentioned during the course of the case that were not brought up.

- The AG in this case, John O’Conner, went on television saying that he “was using Mr. Hanson and would make an example out of him.”
- One of the victim’s made a big show on Facebook that he had made campaign contributions to the AG and said that it would “ensure the case went the way he wanted it to go.”
- Mrs. Hanson was trying to get her husband into a lockdown facility for his gambling addiction, and instead of helping the AG went to court to get the bond raised because he found out that Mrs. Hanson was selling everything they owned so she could get her husband out!

See... <https://kfor.com/news/local/oklahoma-attorney-general-files-embezzlement-charges-against-contractor/> **“When consumers hire and pay an individual or business to do work, they are entitled to have that work done well,” O’Connor said. “My Consumer Protection Unit works diligently to hold contractors like Michael Hanson accountable for their fraudulent conduct. I will not tolerate those who try to swindle Oklahomans out of their hard-earned money.”**



POINT 6: HOME PLAN

Mr. Hanson has an excellent family support system. The plan is for Mr. Hanson to go to the treatment program in Ft. Lauderdale, FL and then return north with Mrs. Hanson and her family upon his release. Mr. Hanson will have a stable, secure residence to be released to. Mrs. Hanson makes enough money to support both herself and her husband through her career for the short time they remain with her family. Mr. Hanson will have multiple job opportunities to choose from through Mrs. Hanson and her family's community relationships.

POINT 7: THERE WAS NO EVIDENCE OF THE CHARGE OF RACKETEERING AS DEFINED BY LAW

There is absolutely no evidence of the charge of Racketeering that Mr. Hanson was charged with. Mr. Hanson brought this up to his counsel and was told that "it was a trumped-up charge" and that the AG and the court knew that is was! But, yet and still, nothing was done to get this charge dismissed. Racketeering is a unique white-collar crime in the sense that it is based on an offense that is already illegal, such as:

- Robbery
- Bribery
- Prostitution
- False Imprisonment
- Dealing in unlawful weapons or firearms
- Drug dealing
- Child Pornography

The issue that raises these crimes to the level of racketeering is when they are accomplished – or attempted – in the context of an organized crime ring and larger scheme.

See.. <https://www.goldsteinhilley.com/white-collar-crimes/rico-racketeering/>

Texas Racketeering Laws

In the Lone Star State, racketeering offenses are generally prosecuted under the offense of engaging in organized criminal

activity established in Texas Penal Code §71.02. Under this statute, it is illegal for a person to commit or conspire to commit certain crimes with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang.

A combination is defined as being three or more persons who collaborate in carrying on criminal activities, although the participants may not know each other's identity, membership in the combination may change from time to time, and the participants may stand in a wholesaler-retailer or other arm's-length relationship in illicit distribution operations.

Participants may be charged with engaging in organized criminal activity if they committed or conspired to commit such crimes as, but not limited to the following:

- Murder;**
- Capital murder;**
- Arson;**
- Aggravated robbery;**
- Robbery;**
- Burglary;**
- Aggravated kidnapping;**
- Kidnapping;**
- Aggravated assault;**
- Aggravated sexual assault;**
- Sexual assault;**
- Continuous abuse of young child or children;**
- Solicitation of a minor;**
- Forgery;**
- Deadly conduct;**
- Burglary of a motor vehicle; and**
- Unauthorized use of a motor vehicle.**

Any engaging in organized criminal activity offense is punished one category higher than the most serious offense that was committed, meaning that committing a third-degree felony will lead to second-degree felony penalties. If the most serious offense is a Class A misdemeanor, then the offense is classified as a state jail felony.

There were originally two charges of Racketeering, but they removed one because they admitted that they could not prove it but because they were feeling so much pressure from two of the victims (one being Mr. Anderson and the other was a retired employee of the Attorney General's office) they said they had to leave at least ONE charge. How can you charge someone with a crime and not be able to prove it? Much less that it does not fit the guidelines for that charge. This charge should be dismissed immediately.

CONCLUSION

We pray that this Honorable Court will see that Mr. Hanson deserves a second chance at living his life. He is a reformed man, who takes responsibility for his actions, but feels that this 20-year sentence is a death sentence that he would have never agreed to if he had effective counsel that allowed him to mention the points above. Mr. Hanson prays this Honorable Court will reduce his sentence and defendant will agree to any mandatory supervision that the court deems necessary. He agrees to any and all stipulations that the court wishes to impose and home confinement requires searches and curfew checks that will be imposed on him. Defendant realizes that willful non-compliance or a violation of any of the set conditions may result in modification of the sentence or revocation by the court.

Respectfully submitted this 23rd day of September, 2023

Michael Hanson, JR
#1000153
Jess Dunn Correctional Center
601 S 124th St W
Taft, OK 74463